

Remarks

Applicant wishes to thank the Examiner for recognizing the patentable nature of the present invention.

Applicant hereby adds new claims 21-29. Accordingly, claims 1-29 are pending in the present application.

Claim 18 stands rejected under 35 USC 102 for anticipation by U.S. Patent No 6,457,833 to Ishikawa et al. Claims 19-20 stand rejected under 35 USC 103(a) for obviousness over Ishikawa in view of U.S. Patent No. 5,903,383 to Bernstein et al.

Applicant respectfully traverses the rejections and urges allowance of the present application.

Referring to the anticipation rejection of claim 18, Applicant notes that the PTO and Federal Circuit provide that §102 anticipation requires that *each and every element* of the claimed invention be disclosed in a single prior art reference. *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of *any* claimed element negates the anticipation. *Kloster Speedsteel AB, et al. v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

The Office Action on page 2 identifies teachings of Ishikawa which allegedly disclose *some* limitations of claim 18. However, other positively recited limitations of claim 18 are not taught nor suggested by Ishikawa nor addressed in the Office Action. Further, Ishikawa may not be properly modified to be fairly considered to suggest such other limitations.

More specifically, teachings of Figs. 1 and 2 of Ishikawa are identified as allegedly disclosing the limitations of claim 1. Further, the Office Action on page 2 recites *some* limitations of Applicant's claims in support of the rejection. However, other limitations are not addressed in the Office Action and are not taught nor disclosed by Ishikawa.

For example, Ishikawa is devoid of disclosing or suggesting screen pixels being arranged to form parallel stripes corresponding to the size and configuration of a color stripe illumination pattern as positively claimed. Exemplary details regarding one example of a color stripe illumination pattern is discussed on page 6 of the specification with reference to Fig. 4. However, Ishikawa discloses

PDNO. 10014091-1
Serial No. 10/046,797
Amendment A

utilization of plural rotating dichroic mirrors as set forth in col. 2 and fails to disclose or suggest any color stripe illumination pattern let alone the parallel stripes of the screen pixels having a size and configuration of the pattern as claimed. Further, Ishikawa's use of the rotating dichroic mirrors precludes any interpretation of Ishikawa as allegedly disclosing the color stripe illumination pattern as claimed wherein the parallel stripes formed by the screen pixels correspond to the size and configuration of the illumination pattern.

Positively-recited limitations of claim 18 are not shown nor suggested by the prior art and according to the above-recited authority, claim 18 is allowable for at least this reason.

In the event that a rejection of the claims is maintained with respect to the prior art, or a new rejection made, Applicants respectfully request identification *in a non-final action* of elements which allegedly correspond to limitations of the claims in accordance with 37 C.F.R §1.104(c)(2). In particular, 37 C.F.R §1.104(c)(2) provides that *the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified*. Further, 37 C.F.R. §1.104(c)(2) states that the Examiner must cite the best references at their command. When a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular teachings relied upon must be designated as nearly as practicable. The pertinence of each reference if not apparent must be clearly explained for each rejected claim specified. Applicants respectfully request clarification of the rejections with respect to specific references and specific references teachings therein pursuant to 37 C.F.R. §1.104(c)(2) in a non-final action if any claims are not found to be allowable.

In particular, if claim 18 is not allowed, Applicant respectfully requests identification by reference number and column references in the non-final action of teachings of Ishikawa considered to disclose the color stripe illumination pattern as claimed.

The claims which depend from independent claim 18 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, referring to the rejections of claims 19-20, the Examiner relies

PDNO. 10014091-1
Serial No. 10/046,797
Amendment A

upon the teachings of Bernstein to cure the deficiencies of Ishikawa. The reliance is misplaced.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, e.g., MPEP §2143 (8th ed.).

There is no motivation to combine the teachings of Bernstein with the teachings of Ishikawa. On pages 3-4 of the Action, it is stated that the combination is proper in order to display/reflect appropriate pixel/subpixel in order to replicate incoming video data for display. Applicant disagrees.

At col. 8, lines 24-38, Ishikawa discloses PWM control for implementing grayscales. Applicants have electronically searched Bernstein and have failed to uncover any accommodation of grayscaling or provision of pulse width modulation using the control system of Bernstein. Accordingly, the teachings of Bernstein are inapplicable to the device of Ishikawa and one of skill in the art would not look to Bernstein for meaningful teachings with respect to control for Ishikawa. The only motivation results from improper reliance upon Applicant's disclosure. More specifically, the motivation for forming the combination must be something other than hindsight reconstruction based on using Applicant's invention as a road map for such a combination. See, e.g., *Interconnect Planning Corp. v. Feil*, 227 USPQ 543, 551 (Fed. Cir. 1985); *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990). Without proper motivation, there is no *prima facie* case of obviousness and claims 19-20 are allowable for at least this reason.

Further, with respect to claim 20, Applicant has failed to uncover the limitations of claim 20 in the prior art. Bernstein fails to disclose or suggest the column driver connected to one connection on each of the sub-pixels and the row driver connected to another connection on each of the sub-pixels as claimed. Accordingly, even if the references are combined, the combination fails to disclose or suggest positively recited limitations of claim 20 and claim 20 is allowable for at least this additional reason.

Applicant respectfully requests clarification of any rejection of claim 20 in a non-final action if claim 20 is not allowed.

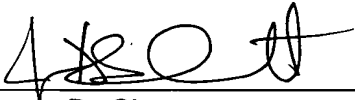
Applicant hereby adds new claims 21-29 which are supported at least by Figs. 1-2, and 4-5 and associated specification teachings of the originally filed application.

Applicant respectfully requests allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,
Laurence M. Hubby, Jr.

By: _____


James D. Shaurette

Reg. No. 39,833

Date: 3/9/04

(509) 624-4276